

**MINUTES FOR THE
IDAHO COUNCIL FOR PURCHASES FROM NON-PROFIT
BUSINESSES THAT SERVE PEOPLE WITH DISABILITIES
(USE COUNCIL)
July 11, 2013**

*650 W. State Street, Room 150
Boise, ID, (208) 334-3390*

Present: Howard Fulk, Gordon Graff, Terry Fredrickson, John Bodden, Jerry Bodden, Tracy Warren, Jacque Truax. Dwight Whittaker attended by video conference.

Absent: Don Alveshere

The Meeting began at 1:30 pm with a welcome by Howard Fulk who facilitated in Don's absence.

The following changes were made to the December 19, 2012 minutes:

- On the last page, the last paragraph change CAN to "CNA"
- Change the words "Accses-Idaho" to be consistent throughout minutes
- On the first page, second sentence from the bottom remove the word "the" from the sentence: "After some discussion it was ~~the~~ concluded that the..."

MOTION: Dwight made a motion to accept the minutes with the above corrections, Gordon seconded the motion, all in favor, none opposed, the motion passed.

TOPICS FOR DISCUSSION:

Definition of Disadvantaged and Follow-up from December meeting

Marci Bailey, Goodwill Staffing

Marci was not present. Jerry stated that Goodwill Staffing will be closing their Boise office the 19th of this month. Marci had informed Jerry that Goodwill could be possibly working with GALT, an Oregon company. Jerry stated he had heard that they will not be applying for vendor status in Idaho.

Jerry read a definition of disadvantaged from a letter that Goodwill sent to Vocational Rehabilitation in 2004 stating the definition as: "Lack of current competitive work skills, current or recent participation in social welfare programs, history of criminal offenses, homelessness, inability to read or write beyond a 4th grade level, inability to communicate effectively in English, pregnant or parenting a teen, lack of significant work history, working poor and unemployed/dislocated workers." Jerry stated his understanding was that Don did not feel this was appropriate language for USE law. Since Goodwill is the only vendor who would operate under the disadvantaged definition and they are no longer doing government contracts this is a moot point.

There was discussion whether we want to leave the word “disadvantaged” in our Statute or not since it would require a change by the legislature. We also discussed the word “may” as stated in the Statute. Terry suggested that the word “may” is ambiguous and suggested we change it to “should”. He also suggested we would need to look at the contracts and the bidding process.

Terry explained there are two ways to secure a bid. A company takes 3 bids and takes no greater than 25% above of the lowest bid; this is the bid that goes to the CRP. The second way is to bid with everyone else (which means the company has to be bonded), CRP’s are usually not bonded (the non-profits). Therefore the CRP’s are losing bids (even though they come in lower) because being bonded is a state requirement. There is no baseline for a fair market value. It was suggested that if the language is maintained we really do have to address the bidding process (i.e., eliminate the requirement of being bonded for non-profits or fair market value).

Terry was asked to explain the terms “shall” and “should” vs. “may”. He suggested that “shall” is stricter language, “should” is not as ambiguous as “may”. The word “should” is a happy medium word.

The council discussed bonding. Most did not feel that bonding was an issue for them. Terry commented that he has experienced it as being an issue and he remembers Mark saying it was a concern.

Tracy was asked to provide her perspective on what the disability community may think about the word change to the Statute. It is her opinion that if we are looking at separating out folks with disabilities and giving them an advantage over small business, that would not be in line with what the disability community is trying to accomplish and that is for the public to see people with disabilities as equal members of the community. She stated that the change in wording could cause a lot of discussion.

There was a consensus from the council on the wording being changed from “may” to “should” or “shall”. John suggested that until Accses-Idaho has a position on this, he doesn’t feel that this council should assume they would buy into this.

Howard recapped by stating we will revisit it at another meeting when we have more information. In mean time;

- a). Terry will discuss with Sarah Hildebrand in Purchasing,
- b). Terry or John will get input from Accses-Idaho
- c). Tracy will meet with the disability community and get their feedback,
and
- d). Council Members will get input from legislators along the way

Feedback form on website, follow-up from December meeting: Jerry Bodden

Jerry stated that at the last Access-Idaho meeting there was very little interest among members to pursue a feedback form for their website. If the USE Council wants a survey or feedback for people that work for their vendors that he and Terry would work something up and get it on the website.

Capacity statement for website – follow up from December meeting

Jerry stated that Accses-Idaho thought the link on the website was sufficient, and it was their recommendation that we not add a capacity statement.

Jerry also reported that he will be sending out the Use Law Vendor Renewal Certification letters, giving them until early or mid September to get it back to him. He will then generate a report for our next meeting.

Bylaws Update –

The council reviewed the Bylaws and suggested or made the following changes:

1. *Remove language about disadvantaged from the Preface:* This language cannot be removed until we know if we are changing the Statute.
2. *Number 3 under Definitions – Page 1:* Jacque provided a copy of the old paragraph – council reviewed and agreed that the revision is sufficient as it reads. MOTION: Terry made a motion to accept the change and Tracy seconded the motion; none opposed the motion passed.
3. *Violations and Appeals – Page 11:* There was discussion about the 30 days. The Council thought 30 days was insufficient time to review and take action related to appeals and that maybe 90 days would be more appropriate.

John suggested that Accses-Idaho might like to have some involvement with the written appeal process and it was agreed upon by the Council to get their input. Terry stated he would take it to Access-Idaho to get their input on this specific area as well as all the Bylaws. Gordon suggested we need to do a public notice as well. After discussion the Council agreed that Accses-Idaho should be involved with the written appeal process as well as input into the Council Bylaws.

Once the By-Laws have been reviewed by Accses-Idaho and this Council they need to be posted for 20 days (per the By-Laws, page 3). ACTION ITEM: Jacque will get a list from Tracy of the newspapers in which to post the notifications.

ACTION ITEM: Gordon suggested that the sections on Violations and Appeals be broken apart. He agreed to work on revising this area of the By-Laws.

Gordon stated he had further changes to the By-laws. These were the changes he noted:

- Page 3, under State Use Council Membership, D; “A labor rehabilitation program” should read, “A labor Organization”; and F should read “A disability advocacy organization” –rather than “A disability advocacy rehabilitation program”.
- Page 2 – second line from the bottom where it says “Idaho Association of Rehabilitation Industries” that should read “Accses-Idaho”.
- Page 4 – bottom of the page under Responsibilities of the Central Non-Profit Agency (A), the word “dealing” in that sentence should be changed to “working”.
- Page 7: Bullet #5, second line where it says “during the Council’s regular business hours”, we want to remove the words “the Council’s” so the sentence will read “during regular business hours.”
- Page 8, A., 1, b: Jerry stated that this section is not relevant to how things are done presently. John suggested that Jerry re-write this section (Bid Proposals and Allocations) to update to current procedures. Tracy suggested we have someone review it to make sure we are following due process. It was suggested that Accses-Idaho would review it (as well as all of the By-Laws) and then the Council will review this particular section again at the next Use Council meeting.
- Page 1, B #2...the code number should read “67-2319” not “6723-19”.
- Change the language on page 8, 2, b., the word “workshops”. (This will be taken care of during the review with Accses-Idaho.)

It was suggested that we have the AG’s Office for Vocational Rehabilitation review the By-Laws once we have finalized them. Jacques will see if this is indeed where we would send them and then forward to them once the revisions have been processed by Accses-Idaho and the Council (to be finalized at the November 2013 meeting).

Recap:

- Jacques made the above revisions at the meeting.
- Jerry is going to re-write the section on Bid Proposals and Allocations (page 8).
- Accses-Idaho will review the bylaws and then this Council will review them again, and then, if necessary, they will be sent to the AG’s office for final review, and finally, we will do a public notice.
- Carry By-Laws revision forward to agenda for the next meeting.

Executive Order/expires April 2014:

After discussion it was determined that Jacques would talk to Ann Beebe at the Governor’s office and alert her to the fact that our Executive Order will be expiring in April, 2014 and ask her to put it on the docket. If necessary, Jacques will request assistance from Don. We would like to have an Executive Order for another three years (minimum) and there is no need to stagger term dates. ACTION ITEM: Jacques or Don will provide an update at our next meeting.

Set Date for next meeting:

The date agreed upon for the next USE Council meeting was November 7th, 1:30 pm to 4 pm at the IDVR office.

Dwight announced that he will be sending his letter of resignation to the Governor. Jacque requested a copy as well.

Adjourn

Attachment: Bylaws as updated